



**Department of Building and Development
Staff Report**

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: September 15, 2010

DOAM-2010-0001 Proposed Amendments to the Facilities Standards Manual

ELECTION DISTRICT: Countywide

PROJECT ENGINEER: Hector E. Martinez, P.E.

RECOMMENDATIONS:

Advisory Group: The Facilities Standards Manual Public Review Committee recommends that the Planning Commission vote to forward DOAM 2010-0001, Proposed Amendments to the Facilities Standards Manual, to the Board of Supervisors with a recommendation of approval.

Staff: Staff supports the attached proposed amendments.

EXECUTIVE SUMMARY

On July 20, 2010, the Board of Supervisors voted (7-0-2, Supervisors York and Waters absent) to adopt a Resolution of Intent to Amend Chapters 4, 7, and 8 of the Loudoun County Facilities Standard Manual (the "Resolution"). Pursuant to the adoption of the Resolution, Staff and the Facilities Standards Manual Public Review Committee (the "PRC") have prepared DOAM-2010-0001, which proposes revisions to Chapters 4, 7, and 8 of the Loudoun County Facilities Standards Manual (the "FSM"), in regard to Virginia Department of Transportation ("VDOT") street connectivity requirements, Phase I Archeological Survey requirements, and Bond Extension Agreement submission requirements.

BACKGROUND

The last general update to the FSM occurred on November 9, 2009, when the Board of Supervisors adopted DOAM-2009-0001, which consisted of amendments to Chapters 4, 5, 6, and 8 of the FSM. Since the adoption of DOAM-2009-0001, the PRC and Staff have met regularly to develop and draft further proposed amendments to the FSM.

The PRC is a committee identified within the FSM that is appointed by the Board of Supervisors to review the FSM, to include the Land Subdivision and Development Ordinance, and advise the Director of Building and Development of their findings and recommendations, in order to improve the land development review process and update development standards to reflect the continuously changing nature of industry practice and Virginia law. The membership list for the PRC is provided as Attachment 1 to this staff report.

On July 20, 2010, the Board of Supervisors voted (7-0-2, Supervisors York and Waters absent) to adopt a Resolution of Intent to Amend Chapters 4, 7, and 8 of the FSM. The proposed amendments to Chapters 4, 7, and 8 of the FSM are necessary to remove outdated regulations, correct errors, increase clarity, and add new development standards, some of which have already been distributed through technical memos. The proposed amendments to Chapter 4 of the FSM would address new VDOT street connectivity requirements. The proposed amendments to Chapter 7 of the FSM would delete and eliminate existing Phase IA Reconnaissance-Level Archaeological Survey requirements and establish new Phase I Archaeological Survey requirements, in order to simplify the archaeological review process from two phases to one and to reduce costs to applicants. The proposed amendments to Chapter 8 of the FSM would revise the submission requirements for preliminary plats of subdivision, construction plans and profiles, and bond extension requests. The proposed amendments to Chapters 4, 7, and 8 of the FSM are more particularly described as follows (see Attachment 2 for the full text of the proposed amendments):

CHAPTER 4 – TRANSPORTATION

4.200 TRANSPORTATION PLANNING

B.4. Content of Traffic Studies - Establish new requirements to add VDOT connectivity requirements and locations of stub out streets to the content of traffic studies.

CHAPTER 7 – ENVIRONMENTAL DESIGN STANDARDS

7.800 ENVIRONMENTAL AND CULTURAL RESOURCE EXISTING CONDITIONS PLAT

D. - Establish new requirements that include, without limitation, the following: (1) Add “historic structures” and “historic districts” to the environmental and cultural resources to be identified and illustrated on the Existing Conditions Plat; and (2) Specify that the Existing Conditions Plat shall identify and illustrate environmental and cultural resources as identified and specifically numbered in a letter from the Virginia Department of Historic Resources or as part of a Phase I archaeological survey.

7.810 PHASE IA RECONNAISSANCE-LEVEL ARCHAEOLOGICAL SURVEY

- Delete all existing requirements in regard to Phase IA Reconnaissance-Level Archaeological Surveys.

- Establish new requirements in regard to Phase I Archaeological Surveys, to include, without limitation, the following: (1) A recommended pre-submission meeting with the County Archaeologist to discuss the Phase I Archaeological Survey Scope of Work for a development area; (2) The purpose of the Phase I Archaeological Survey; (3) Qualification requirements for the conductor of the Phase I Archaeological Survey; (4) The State standards to be met by the Phase I Archaeological Survey and reporting; and (5) The County standards to be followed by the Phase I Archaeological Survey and reporting, such as, without limitation, restrictions on the use of heavy machinery, shovel testing requirements, and reporting requirements.

CHAPTER 8 – ADMINISTRATIVE PROCEDURES

8.102 PRELIMINARY PLAT OF SUBDIVISION

A. - Clarify that the locations of certain archaeological and historic sites, and cemeteries, are to be depicted as identified by the Phase I Archaeological Survey.

B. Items to Accompany Preliminary Plat of Subdivision - Revisions include without limitation, the following: (1) Delete the existing Phase IA Reconnaissance-Level Archaeological Survey requirement; (2) Establish new requirements in regard to the submission of a Phase I Archaeological Survey report and, if applicable, plan and analysis of VDOT connectivity requirements and locations of stub out streets; and (3) Grant the Director of Building and Development the authority to waive the Phase I Archaeological Survey report requirement based on certain findings.

8.106 CONSTRUCTION PLANS AND PROFILES

B. Items to Accompany Construction Plans and Profiles - Establish new requirements in regard to the submission of a plan and analysis of VDOT connectivity requirements and locations of stub out streets.

8.305 BOND PROCEDURES AND REQUIREMENTS

B. Extensions and Rebonding of Agreements - Establish new requirements in regard to the submission of a Preliminary Release Package prior to or simultaneously with the initial bond extension request.

Should the Planning Commission vote to forward DOAM 2010-0001, Proposed Amendments to the Facilities Standards Manual, to the Board of Supervisors with a recommendation of approval, Staff will prepare a public hearing item for the Board of Supervisors.

ISSUES: None.

FISCAL IMPACT: There is no discernible, immediate impact on County expenditures associated with this amendment.

DRAFT MOTIONS:

1. I move that the Planning Commission forward DOAM 2010-0001, Proposed Amendments to the Facilities Standards Manual (Chapters 4, 7, and 8), attached as Attachment 2 to this Staff Report, to the Board of Supervisors with a recommendation of approval.

Or

2. I move an alternate motion.

ATTACHMENTS:

1. List of the FSM Public Review Committee Members
2. Text of proposed amendments to Chapters 4, 7, and 8 of the FSM

Attachment 1

Facilities Standard Manual (FSM) Public Review Committee (PRC) Membership and Associated Authority

Authority: Section 1.200.C. of the Facilities Standards Manual (FSM) states:

Facilities Standards Manual Public Review Committee

This committee shall consist of at least seven representatives appointed by the Board of Supervisors of Loudoun County. The candidates for appointment may be any persons whom the Board of Supervisors deem qualified. In addition to public notification and request for citizen participation on the Review Committee, nominations shall be requested from, but not limited to the following organizations:

- National Association of Industrial & Office Parks
- Loudoun Chamber of Commerce
- Virginia Society of Professional Engineers
- Virginia Association of Surveyors
- Heavy Construction Contractors Association
- Associated Building Contractors
- Northern Virginia Building Industry Association
- Piedmont Environmental Council
- Washington Area Council of Engineering Laboratories
- Consulting Engineers Council
- Association of Soil & Foundation Engineers
- Association of Engineering Geologists
- Virginia Association of Professional Soil Scientists
- Virginia Association of Geologists
- Loudoun County Board of Realtors
- Engineers & Surveyors Institute

The majority of members shall be actively involved in the Loudoun County Community and shall represent professionals registered to practice engineering, surveying, geology, landscape, architecture, or soil science in Virginia.

Committee members shall elect a chairman. The Director of Building and Development or his designee shall serve as secretary to the committee. County staff members may serve as advisory staff to the committee but shall not be appointed to sit on committee.

Members shall be appointed for a term of not less than one year and no more than four years and shall serve until replaced. If a member resigns, the Board of Supervisors will appoint a replacement.

The committee shall meet at least once a year to review the Facilities Standards Manual

and shall advise the Director of Building and Development of their findings and recommendations. Whenever a change in the Facilities Standards Manual is proposed, the Director of Building and Development shall request the advice of the committee prior to requesting a public hearing for consideration of changes to the FSM.

Current FSM Public Review Committee Membership (2008-2011):

Mr. William Fissel, P.E. **(Co-Chairman)**
Mr. Brett Kass **(Co-Chairman)**
Mr. Joseph G. Paciulli, L.S.
Ms. Linda Erbs
Mr. Cody Frances, P.E.
Mr. Blake Smith, P.E.
Mr. Vernon Wong
Ms. Gem Bingol
Mr. Charles Cochran
Mr. Edward Gorski
Mr. Drew Thomas

Attachement 2 - FSM Amendment Sections

Blue Font Underlined = Additions

~~Red Font Strikethrough~~ = Deletions

CHAPTER 4 – TRANSPORTATION

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4.200 B 4.n. VDOT connectivity requirements and locations of stub out streets.

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CHAPTER 7 – ENVIRONMENTAL DESIGN STANDARDS

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7.800 ENVIRONMENTAL AND CULTURAL RESOURCE EXISTING CONDITIONS

PLAT

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- D. Archaeological sites, historic ~~and~~ structures, cemeteries, ~~and~~ historic districts, and historic landmarks as identified and specifically numbered in a letter from the Virginia Department of Historic Resources or as part of a Phase I archaeological survey.

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7.810 PHASE IA ~~RECONNAISSANCE-LEVEL~~ ARCHAEOLOGICAL SURVEY

Applicants are recommended to request a pre-submission meeting with the County Archaeologist to discuss the Phase 1 Archaeological Survey Scope of Work (SOW) for a development area. Using County predictive models, the County Archaeologist may approve a SOW specific to a project area that is more limited in scope and therefore more cost effective for an applicant (refer to Section 8.000). A pre-submission meeting is particularly recommended when large lot subdivision is proposed.

The purpose of the Phase IA ~~Reconnaissance-Level~~ Archaeological Survey (the “Phase Ia”) is to identify the locations of existing archaeological resources on a ~~areas of the~~ property that is the subject ~~to the~~ of a land development application ~~where there is a high probability of the existence of archaeological resources and to make recommendations as to whether further archaeological investigation (Phase I survey) is warranted.~~

- A. The Phase IA Archaeological Survey shall be conducted by a qualified professional meeting the Qualification Standards as set forth in the U.S. Secretary of the Interior

Standards and Guidelines for Archaeology and Historic preservation as defined in 36 CFR 61 Appendix A.

- B. ~~The Phase I~~ report shall include the following information Archaeological Survey and reporting shall meet the standards set forth by the Virginia Department of Historic Resources in Guidelines for Conducting Cultural Resource Survey in Virginia (VDHR 2001 as amended). In addition to the state standards, the following County standards shall be followed:

- ~~1. Physical description of project area.~~
- ~~2. Research design and methods.~~
- ~~3. Cultural context: A generalized prehistoric and historic context for the project area.~~
- ~~4. Map of project area which identifies and locates previously recorded archaeological and historic sites on site and within a one-mile radius of the project area, historic extant structures and approximate locations of non-extant structures in accordance with historic maps and pedestrian survey, existing conditions and high probability areas within the project.~~
- ~~5. Project results.~~
- ~~6. Recommendations regarding further.~~

1. The use of heavy machinery to identify site locations is only appropriate in very limited cases. Approval by the County must be obtained if the use of heavy machinery is proposed or intended as part of a Phase I Archaeological Survey.
2. Phase I Archaeological Survey shall adhere to a 50 foot shovel test interval unless a larger shovel test interval has been previously approved by the County Archaeologist. Larger shovel test intervals and judgmental shovel testing may be appropriate in some areas following consultation with the County Archaeologist on a project specific basis.
3. Phase I Archaeological Survey reports must contain a summary and conclusions section with a map showing the testing strategy and distribution of all identified sites within the project area. The Phase I Archaeological Survey report shall contain detailed site descriptions and recommendations for each site regarding whether further work or avoidance is warranted.

- ~~C. Archival data resources should include the Department of Historic Resource's (DHR) inventory of previously recorded archaeological sites and standing structures with associated reports, the Virginia State Library holdings related to Loudoun County, historic County maps, and land grant information held by the Thomas Balch Library.~~

- ~~D. Current predictive models developed for diverse site types by professional archaeologists in conjunction with information gathered from archival research should be employed to identify areas of high probability for archaeological resources within a project area.~~
- ~~E. A pedestrian survey for visual inspection shall be conducted upon the property that is the subject of the application. Any above-ground features identified as part of the survey should be mapped and photographed. Original photographs or digital reproductions should be included in the report.~~
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CHAPTER 8 – ADMINISTRATIVE PROCEDURES

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8.102 PRELIMINARY PLAT OF SUBDIVISION

The purpose of the preliminary plat of subdivision is to conceptually show the probable lot layout and location of streets and other necessary infrastructure to demonstrate geometric locations of all lots and improvements of such proposed subdivision.

A. The preliminary plat of subdivision...

28. ~~Numbered~~ The locations of archaeological sites, and historic structures, cemeteries, and historic districts, and historic landmarks on the site, as identified by the Phase I archaeological and cultural resource surveys (Phase II Archaeological Survey and Phase III Archaeological Survey, if applicable) performed for the property.
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B. Items to Accompany Preliminary Plat of Subdivision

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4. ~~A Phase I A Reconnaissance-Level Archaeological Survey prepared in accordance with the standards set forth in this Manual.~~ A Phase I Archaeological Survey report prepared in accordance with the standards set forth in this Manual and in the Virginia Department of Historic Resources in Guidelines for Conducting Cultural Resource Survey in Virginia (VDHR 2001 as amended).
- a. The Director may waive or modify the requirement after determining that there is little or no potential for cultural resources on the site based on a finding such as (a) the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) the site contains

environmental characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely.

7. If applicable, plan and analysis of VDOT connectivity requirements and locations of stub out streets.

~~C. Additional Documents~~

~~Prior to the earlier of the second submission or the final approval of the preliminary Plat, a Phase I Archaeological Study (the "Phase I") as defined in the Virginia Department of Historical Resources Guidelines for Archaeological Investigations in Virginia must be submitted for review and approval to the Director, provided, however, that the Phase I shall not be required if:~~

- ~~1. The Phase IA Reconnaissance Level Archaeological Survey submitted pursuant to this section 8.102 recommends that no Phase I is necessary within the limits of the proposed disturbance and the Director concurs with the recommendation; or~~
- ~~2. The Director waives or modifies the requirement after determining that there is little or no potential for cultural resources on the site based on a finding such as that the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) that the site contains environmental characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely; or~~
- ~~3. The application proposes development of lots all of which are 20 acres or greater, and the applicant obtains a locational clearance from the County for the site of each building and driveway.~~

~~DC. Preliminary Plat Review~~

8.106 CONSTRUCTION PLANS AND PROFILES

B. Items to Accompany Construction Plans and Profiles

7. If not provided with a previous preliminary plat of subdivision and if applicable, a plan and analysis of VDOT connectivity requirements and locations of stub out streets.

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8.305 BOND PROCEDURES AND REQUIREMENTS

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B. Extensions and Rebonding of Agreements

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1. Except as provided in this paragraph, no Performance Agreement shall be extended beyond five (5) years from the date of the original Agreement. Thus, if the initial period of completion was two (2) years, no more than three (3) extensions shall be granted. For all performance agreements, the applicant shall submit a Preliminary Release Package to the County prior to or simultaneous with the initial bond extension request. An extension request shall not be approved if a preliminary Release Package has not been submitted to the County. However, upon recommendation...